

104TH CONGRESS  
1ST SESSION

# H. R. 119

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 4, 1995

Mr. BRYANT of Texas introduced the following bill; which was referred to the Committee on the Judiciary and, in addition, to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 **TITLE I—LOBBYING** 4 **DISCLOSURE**

#### 5 **SECTION 101. SHORT TITLE.**

6 This title may be cited as the “Lobbying Disclosure  
7 Act of 1995”.

#### 8 **SEC. 102. FINDINGS.**

9 The Congress finds that—

1           (1) responsible representative Government re-  
2           quires public awareness of the efforts of paid lobby-  
3           ists to influence the public decision making process  
4           in both the legislative and executive branches of the  
5           Federal Government;

6           (2) existing lobbying disclosure statutes have  
7           been ineffective because of unclear statutory lan-  
8           guage, weak administrative and enforcement provi-  
9           sions, and an absence of clear guidance as to who  
10          is required to register and what they are required to  
11          disclose; and

12          (3) the effective public disclosure of the identity  
13          and extent of the efforts of paid lobbyists to influ-  
14          ence Federal officials in the conduct of Government  
15          actions will increase public confidence in the integ-  
16          rity of Government.

17 **SEC. 103. DEFINITIONS.**

18          As used in this title:

19           (1) AGENCY.—The term “agency” has the  
20           meaning given that term in section 551(1) of title 5,  
21           United States Code.

22           (2) CLIENT.—The term “client” means any  
23           person or entity that employs or retains another per-  
24           son for financial or other compensation to conduct  
25           lobbying activities on behalf of that person or entity.

1 A person or entity whose employees act as lobbyists  
2 on its own behalf is both a client and an employer  
3 of such employees. In the case of a coalition or asso-  
4 ciation that employs or retains other persons to con-  
5 duct lobbying activities, the client is—

6 (A) the coalition or association and not its  
7 individual members when the lobbying activities  
8 are conducted on behalf of its membership and  
9 financed by the coalition’s or association’s dues  
10 and assessments; or

11 (B) an individual member or members,  
12 when the lobbying activities are conducted on  
13 behalf of, and financed separately by, 1 or more  
14 individual members and not by the coalition’s or  
15 association’s dues and assessments.

16 (3) COVERED EXECUTIVE BRANCH OFFICIAL.—  
17 The term “covered executive branch official”  
18 means—

19 (A) the President;

20 (B) the Vice President;

21 (C) any officer or employee, or any other  
22 individual functioning in the capacity of such  
23 an officer or employee, in the Executive Office  
24 of the President;

1 (D) any officer or employee serving in a  
2 position in level I, II, III, IV, or V of the Exec-  
3utive Schedule, as designated by statute or ex-  
4ecutive order;

5 (E) any officer or employee serving in a  
6 Senior Executive Service position, as defined in  
7 section 3132(a)(2) of title 5, United States  
8 Code;

9 (F) any member of the uniformed services  
10 whose pay grade is at or above O-7 under sec-  
11tion 201 of title 37, United States Code; and

12 (G) any officer or employee serving in a  
13 position of a confidential, policy-determining,  
14 policy-making, or policy-advocating character  
15 described in section 7511(b)(2) of title 5,  
16 United States Code.

17 (4) COVERED LEGISLATIVE BRANCH OFFI-  
18 CIAL.—The term “covered legislative branch official”  
19 means—

20 (A) a Member of Congress;

21 (B) an elected officer of either House of  
22 Congress;

23 (C) any employee of, or any other individ-  
24 ual functioning in the capacity of an employee  
25 of—

1 (i) a Member of Congress;

2 (ii) a committee of either House of  
3 Congress;

4 (iii) the leadership staff of the House  
5 of Representatives or the leadership staff  
6 of the Senate;

7 (iv) a joint committee of Congress;  
8 and

9 (v) a working group or caucus orga-  
10 nized to provide legislative services or  
11 other assistance to Members of Congress;  
12 and

13 (D) any other legislative branch employee  
14 serving in a position described under section  
15 109(13) of the Ethics in Government Act of  
16 1978 (5 U.S.C. App.).

17 (5) DIRECTOR.—The term “Director” means  
18 the Director of the Office of Lobbying Registration  
19 and Public Disclosure.

20 (6) EMPLOYEE.—The term “employee” means  
21 any individual who is an officer, employee, partner,  
22 director, or proprietor of a person or entity, but does  
23 not include—

24 (A) independent contractors; or

1 (B) volunteers who receive no financial or  
2 other compensation from the person or entity  
3 for their services.

4 (7) FOREIGN ENTITY.—The term “foreign en-  
5 tity” means a foreign principal (as defined in section  
6 1(b) of the Foreign Agents Registration Act of 1938  
7 (22 U.S.C. 611(b)).

8 (8) GRASSROOTS LOBBYING COMMUNICA-  
9 TIONS.—The term “grassroots lobbying communica-  
10 tions” means—

11 (A) any communication that attempts to  
12 influence a matter described in clause (i), (ii),  
13 (iii), or (iv) of section 103(10)(A) through an  
14 attempt to affect the opinions of the general  
15 public or any segment thereof;

16 (B) any communication between an organi-  
17 zation and any bona fide member of such orga-  
18 nization to directly encourage such member to  
19 make a communication to a covered executive  
20 branch official or a covered legislative branch  
21 official with regard to a matter described in  
22 clause (i), (ii), (iii), or (iv) of section  
23 103(10)(A); and

24 (C) any communication between an organi-  
25 zation and any bona fide member of such orga-

nization to directly encourage such member to urge persons other than members to communicate as provided in either subparagraph (A) or subparagraph (B).

(9) LOBBYING ACTIVITIES.—

(A) DEFINITION.—The term “lobbying activities” means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others. Except as provided in subparagraph (B), lobbying activities also include grassroots lobbying communications to the extent that such communications are made in support of a lobbying contact. A communication in support of a lobbying contact is a lobbying activity even if the communication is excluded from the definition of “lobbying contact” under paragraph (10)(B).

(B) RELIGIOUS ORGANIZATIONS.—Lobbying activities do not include grassroots lobbying communications by churches, their integrated auxiliaries, conventions or associations of churches, and religious orders that are exempt

1 from filing Federal income tax returns under  
2 paragraph (2)(A)(i) or (2)(A)(iii) of section  
3 6033(a) of the Internal Revenue Code of 1986,  
4 unless such communications are made by an-  
5 other registrant or any person or entity re-  
6 quired to be identified under section 104(b)(5).

7 (10) LOBBYING CONTACT.—

8 (A) DEFINITION.—The term “lobbying  
9 contact” means any oral or written communica-  
10 tion (including an electronic communication) to  
11 a covered executive branch official or a covered  
12 legislative branch official that is made on behalf  
13 of a client with regard to—

14 (i) the formulation, modification, or  
15 adoption of Federal legislation (including  
16 legislative proposals);

17 (ii) the formulation, modification, or  
18 adoption of a Federal rule, regulation, Ex-  
19 ecutive order, or any other program, policy,  
20 or position of the United States Govern-  
21 ment;

22 (iii) the administration or execution of  
23 a Federal program or policy (including the  
24 negotiation, award, or administration of a  
25 Federal contract, grant, loan, permit, or li-



1           cense), except that this clause does not in-  
2           clude communications that are made to  
3           any covered executive branch official—

4                   (I) who is serving in a Senior Ex-  
5                   ecutive Service position described in  
6                   paragraph (3)(E); or

7                   (II) who is a member of the uni-  
8                   formed services whose pay grade is  
9                   lower than O-9 under section 201 of  
10                  title 37, United States Code,  
11                  in the agency responsible for taking such  
12                  administrative or executive action; or

13                  (iv) the nomination or confirmation of  
14                  a person for a position subject to confirma-  
15                  tion by the Senate.

16                  (B) EXCEPTIONS.—The term “lobbying  
17                  contact” does not include a communication that  
18                  is—

19                   (i) made by a public official acting in  
20                   the public official’s official capacity;

21                   (ii) made by a representative of a  
22                   media organization if the purpose of the  
23                   communication is gathering and dissemi-  
24                   nating news and information to the public;

1 (iii) made in a speech, article, publica-  
2 tion or other material that is widely dis-  
3 tributed to the public, or through radio,  
4 television, cable television, or other medium  
5 of mass communication;

6 (iv) made on behalf of a government  
7 of a foreign country or a foreign political  
8 party and disclosed under the Foreign  
9 Agents Registration Act of 1938 (22  
10 U.S.C. 611 et seq.);

11 (v) a request for a meeting, a request  
12 for the status of an action, or any other  
13 similar administrative request, if the re-  
14 quest does not include an attempt to influ-  
15 ence a covered executive branch official or  
16 a covered legislative branch official;

17 (vi) made in the course of participa-  
18 tion in an advisory committee subject to  
19 the Federal Advisory Committee Act;

20 (vii) testimony given before a commit-  
21 tee, subcommittee, or task force of the  
22 Congress, or submitted for inclusion in the  
23 public record of a hearing conducted by  
24 such committee, subcommittee, or task  
25 force;

1 (viii) information provided in writing  
2 in response to a written request by a cov-  
3 ered executive branch official or a covered  
4 legislative branch official for specific infor-  
5 mation;

6 (ix) required by subpoena, civil inves-  
7 tigative demand, or otherwise compelled by  
8 statute, regulation, or other action of the  
9 Congress or an agency;

10 (x) made in response to a notice in  
11 the Federal Register, Commerce Business  
12 Daily, or other similar publication solicit-  
13 ing communications from the public and  
14 directed to the agency official specifically  
15 designated in the notice to receive such  
16 communications;

17 (xi) not possible to report without dis-  
18 closing information, the unauthorized dis-  
19 closure of which is prohibited by law;

20 (xii) made to an official in an agency  
21 with regard to—

22 (I) a judicial proceeding or a  
23 criminal or civil law enforcement in-  
24 quiry, investigation, or proceeding; or

1 (II) a filing or proceeding that  
2 the Government is specifically re-  
3 quired by statute or regulation to  
4 maintain or conduct on a confidential  
5 basis,

6 if that agency is charged with responsibil-  
7 ity for such proceeding, inquiry, investiga-  
8 tion, or filing;

9 (xiii) made in compliance with written  
10 agency procedures regarding an adjudica-  
11 tion conducted by the agency under section  
12 554 of title 5, United States Code, or sub-  
13 stantially similar provisions;

14 (xiv) a written comment filed in the  
15 course of a public proceeding or any other  
16 communication that is made on the record  
17 in a public proceeding;

18 (xv) a petition for agency action made  
19 in writing and required to be a matter of  
20 public record pursuant to established agen-  
21 cy procedures;

22 (xvi) made on behalf of an individual  
23 with regard to that individual's benefits,  
24 employment, or other personal matters in-  
25 volving only that individual, except that

1 this clause does not apply to any commu-  
2 nication with—

3 (I) a covered executive branch of-  
4 ficial, or

5 (II) a covered legislative branch  
6 official (other than the individual's  
7 elected Members of Congress or em-  
8 ployees who work under such Mem-  
9 bers' direct supervision),  
10 with respect to the formulation, modifica-  
11 tion, or adoption of private legislation for  
12 the relief of that individual;

13 (xvii) a disclosure by an individual  
14 that is protected under the amendments  
15 made by the Whistleblower Protection Act  
16 of 1989, under the Inspector General Act  
17 of 1978, or under another provision of law;

18 (xviii) made by—

19 (I) a church, its integrated auxil-  
20 iary, or a convention or association of  
21 churches that is exempt from filing a  
22 Federal income tax return under  
23 paragraph 2(A)(i) of section 6033(a)  
24 of the Internal Revenue Code of 1986,  
25 or

1 (II) a religious order that is ex-  
2 empt from filing a Federal income tax  
3 return under paragraph (2)(A)(iii) of  
4 such section 6033(a),

5 if the communication constitutes the free  
6 exercise of religion or is for the purpose of  
7 protecting the right to the free exercise of  
8 religion; and

9 (xix) between—

10 (I) officials of a self-regulatory  
11 organization (as defined in section  
12 3(a)(26) of the Securities Exchange  
13 Act) that is registered with or estab-  
14 lished by the Securities and Exchange  
15 Commission as required by that Act;  
16 and

17 (II) the Securities and Exchange  
18 Commission,

19 relating to the regulatory responsibilities of  
20 such organization under that Act.

21 (11) LOBBYING FIRM.—The term “lobbying  
22 firm” means a person or entity that has 1 or more  
23 employees who are lobbyists on behalf of a client  
24 other than that person or entity. The term also in-  
25 cludes a self-employed individual who is a lobbyist.

1           (12) LOBBYIST.—The term “lobbyist” means  
2           any individual who is employed or retained by a cli-  
3           ent for financial or other compensation for services  
4           that include one or more lobbying contacts, other  
5           than an individual whose lobbying activities con-  
6           stitute less than 10 percent of the time engaged in  
7           the services provided by such individual to that  
8           client.

9           (13) MEDIA ORGANIZATION.—The term “media  
10          organization” means a person or entity engaged in  
11          disseminating information to the general public  
12          through a newspaper, magazine, other publication,  
13          radio, television, cable television, or other medium of  
14          mass communication.

15          (14) MEMBER OF CONGRESS.—The term  
16          “Member of Congress” means a Senator or a Rep-  
17          resentative in, or Delegate or Resident Commis-  
18          sioner to, the Congress.

19          (15) ORGANIZATION.—The term “organization”  
20          means a person or entity other than an individual.

21          (16) PERSON OR ENTITY.—The term “person  
22          or entity” means any individual, corporation, com-  
23          pany, foundation, association, labor organization,  
24          firm, partnership, society, joint stock company,  
25          group of organizations, or State or local government.

1           (17) PUBLIC OFFICIAL.—The term “public offi-  
2           cial” means any elected official, appointed official, or  
3           employee of—

4                   (A) a Federal, State, or local unit of gov-  
5                   ernment in the United States other than—

6                           (i) a college or university;

7                           (ii) a government-sponsored enterprise  
8                           (as defined in section 3(8) of the Congres-  
9                           sional Budget and Impoundment Control  
10                          Act of 1974);

11                          (iii) a public utility that provides gas,  
12                          electricity, water, or communications;

13                          (iv) a guaranty agency (as defined in  
14                          section 435(j) of the Higher Education Act  
15                          of 1965 (20 U.S.C. 1085(j))), including  
16                          any affiliate of such an agency; or

17                          (v) an agency of any State functioning  
18                          as a student loan secondary market pursu-  
19                          ant to section 435(d)(1)(F) of the Higher  
20                          Education Act of 1965 (20 U.S.C.  
21                          1085(d)(1)(F));

22                   (B) a Government corporation (as defined  
23                   in section 9101 of title 31, United States  
24                   Code);



1 (C) an organization of State or local elect-  
2 ed or appointed officials other than officials of  
3 an entity described in clause (i), (ii), (iii), (iv),  
4 or (v) of subparagraph (A);

5 (D) an Indian tribe (as defined in section  
6 4(e) of the Indian Self-Determination and Edu-  
7 cation Assistance Act (25 U.S.C. 450b(e));

8 (E) a national or State political party or  
9 any organizational unit thereof; or

10 (F) a national, regional, or local unit of  
11 any foreign government.

12 (18) STATE.—The term “State” means each of  
13 the several States, the District of Columbia, and any  
14 commonwealth, territory, or possession of the United  
15 States.

16 **SEC. 104. REGISTRATION OF LOBBYISTS.**

17 (a) REGISTRATION.—

18 (1) GENERAL RULE.—No later than 30 days  
19 after a lobbyist first makes a lobbying contact or is  
20 employed or retained to make a lobbying contact,  
21 whichever is earlier, such lobbyist (or, as provided  
22 under paragraph (2), the organization employing  
23 such lobbyist), shall register with the Office of Lob-  
24 bying Registration and Public Disclosure.

1           (2) EMPLOYER FILING.—Any organization that  
2       has 1 or more employees who are lobbyists shall file  
3       a single registration under this section on behalf of  
4       such employees for each client on whose behalf the  
5       employees act as lobbyists.

6           (3) EXEMPTION.—

7           (A) GENERAL RULE.—Notwithstanding  
8       paragraphs (1) and (2), a person or entity  
9       whose—

10           (i) total income for matters related to  
11       lobbying activities on behalf of a particular  
12       client (in the case of a lobbying firm) does  
13       not exceed and is not expected to exceed  
14       \$2,500; or

15           (ii) total expenses in connection with  
16       lobbying activities (in the case of an orga-  
17       nization whose employees engage in lobby-  
18       ing activities on its own behalf) do not ex-  
19       ceed or are not expected to exceed \$5,000,  
20       (as estimated under section 105) in the semi-  
21       annual period described in section 105(a) dur-  
22       ing which the registration would be made is not  
23       required to register under subsection (a) with  
24       respect to such client.

1 (B) ADJUSTMENT.—The dollar amounts in  
2 subparagraph (A) shall be adjusted—

3 (i) on January 1, 1997, to reflect  
4 changes in the Consumer Price Index (as  
5 determined by the Secretary of Labor)  
6 since the date of enactment of this title;  
7 and

8 (ii) on January 1 of each fourth year  
9 occurring after January 1, 1997, to reflect  
10 changes in the Consumer Price Index (as  
11 determined by the Secretary of Labor)  
12 during the preceding 4-year period,  
13 rounded to the nearest \$500.

14 (b) CONTENTS OF REGISTRATION.—Each registra-  
15 tion under this section shall be in such form as the Direc-  
16 tor shall prescribe by regulation and shall contain—

17 (1) the name, address, business telephone num-  
18 ber, and principal place of business of the registrant,  
19 and a general description of its business or activi-  
20 ties;

21 (2) the name, address, and principal place of  
22 business of the registrant's client, and a general de-  
23 scription of its business or activities (if different  
24 from paragraph (1));

1           (3) the name, address, and principal place of  
2           business of any organization, other than the client,  
3           that—

4                   (A) contributes more than \$5,000 toward  
5           the lobbying activities of the registrant in a  
6           semiannual period described in section 105(a);  
7           and

8                   (B) participates significantly in the plan-  
9           ning, supervision, or control of such lobbying  
10          activities;

11          (4) the name, address, principal place of busi-  
12          ness, amount of any contribution of more than  
13          \$5,000 to the lobbying activities of the registrant,  
14          and approximate percentage of equitable ownership  
15          in the client (if any) of any foreign entity that—

16                   (A) holds at least 20 percent equitable  
17          ownership in the client or any organization  
18          identified under paragraph (3);

19                   (B) directly or indirectly, in whole or in  
20          major part, plans, supervises, controls, directs,  
21          finances, or subsidizes the activities of the cli-  
22          ent or any organization identified under para-  
23          graph (3); or

24                   (C) is an affiliate of the client or any orga-  
25          nization identified under paragraph (3) and has

1 a direct interest in the outcome of the lobbying  
2 activity;

3 (5) the name, address, and principal place of  
4 business of any person or entity retained by the reg-  
5 istrant to conduct grassroots lobbying communica-  
6 tions on behalf of the registrant or the client (other  
7 than an employee of the registrant or a person or  
8 entity that is separately registered under this title in  
9 connection with such representation);

10 (6) a statement of—

11 (A) the general issue areas in which the  
12 registrant expects to engage in lobbying activi-  
13 ties on behalf of the client; and

14 (B) to the extent practicable, specific is-  
15 sues that have (as of the date of the registra-  
16 tion) already been addressed or are likely to be  
17 addressed in lobbying activities; and

18 (7) the name of each employee of the registrant  
19 who has acted or whom the registrant expects to act  
20 as a lobbyist on behalf of the client and, if any such  
21 employee has served as a covered executive branch  
22 official or a covered legislative branch official in the  
23 2 years before the date on which such employee first  
24 acted (after the date of enactment of this Act) as a

1 lobbyist on behalf of the client, the position in which  
2 such employee served.

3 (c) GUIDELINES FOR REGISTRATION.—

4 (1) MULTIPLE CLIENTS.—In the case of a reg-  
5 istrant making lobbying contacts on behalf of more  
6 than 1 client, a separate registration under this sec-  
7 tion shall be filed for each such client.

8 (2) MULTIPLE CONTACTS.—A registrant who  
9 makes more than 1 lobbying contact for the same  
10 client shall file a single registration covering all such  
11 lobbying contacts.

12 (d) TERMINATION OF REGISTRATION.—A registrant  
13 who after registration—

14 (1) is no longer employed or retained by a cli-  
15 ent to conduct lobbying activities, and

16 (2) does not anticipate any additional lobbying  
17 activities for such client,

18 may so notify the Director and terminate its registration.

19 **SEC. 105. REPORTS BY REGISTERED LOBBYISTS.**

20 (a) SEMIANNUAL REPORT.—

21 (1) IN GENERAL.—No later than 30 days after  
22 the end of the semiannual period beginning on the  
23 first day of each January and the first day of July  
24 of each year in which a registrant is registered  
25 under section 104, each registrant shall file a report

1 with the Office of Lobbying Registration and Public  
2 Disclosure on its lobbying activities during such  
3 semiannual period. A separate report shall be filed  
4 for each client of the registrant.

5 (2) EXEMPTION.—

6 (A) GENERAL RULE.—Any registrant  
7 whose—

8 (i) total income for a particular client  
9 for matters that are related to lobbying ac-  
10 tivities on behalf of that client (in the case  
11 of a lobbying firm), does not exceed and is  
12 not expected to exceed \$2,500; or

13 (ii) total expenses in connection with  
14 lobbying activities (in the case of a reg-  
15 istrant whose employees engage in lobbying  
16 activities on its own behalf) do not exceed  
17 and are not expected to exceed \$5,000,

18 in a semiannual period (as estimated under  
19 paragraph (3) or (4) of subsection (b) or para-  
20 graph (4) of subsection (c), as applicable) is  
21 deemed to be inactive during such period and  
22 may comply with the reporting requirements of  
23 this section by so notifying the Director in such  
24 form as the Director may prescribe.

1 (B) ADJUSTMENT.—The dollar amounts in  
2 subparagraph (A) shall be adjusted as provided  
3 in section 104(a)(3)(B).

4 (b) CONTENTS OF REPORT.—Each semiannual re-  
5 port filed under subsection (a) shall be in such form as  
6 the Director shall prescribe by regulation and shall  
7 contain—

8 (1) the name of the registrant, the name of the  
9 client, and any changes or updates to the informa-  
10 tion provided in the initial registration;

11 (2) for each general issue area in which the reg-  
12 istrant engaged in lobbying activities on behalf of  
13 the client during the semiannual filing period—

14 (A) a list of the specific issues upon which  
15 a lobbyist employed by the registrant engaged  
16 in lobbying activities, including, to the maxi-  
17 mum extent practicable, a list of bill numbers  
18 and references to specific regulatory actions,  
19 programs, projects, contracts, grants and loans;

20 (B) a statement of the Houses and com-  
21 mittees of Congress and the Federal agencies  
22 contacted by lobbyists employed by the reg-  
23 istrant on behalf of the client;

24 (C) a list of the employees of the registrant  
25 who acted as lobbyists on behalf of the client;



1 (D) a description of the interest, if any, of  
2 any foreign entity identified under section  
3 104(b)(4) in the specific issues listed under  
4 subparagraph (A); and

5 (E) a list of the specific issues on which  
6 any person or entity required to be identified  
7 under section 104(b)(5) has engaged in grass-  
8 roots lobbying communications on behalf of the  
9 client;

10 (3) in the case of a lobbying firm, a good faith  
11 estimate of the total amount of all income from the  
12 client (including any payments to the registrant by  
13 any other person for lobbying activities on behalf of  
14 the client) during the semiannual period, other than  
15 income for matters that are unrelated to lobbying  
16 activities;

17 (4) in the case of a registrant engaged in lobby-  
18 ing activities on its own behalf, a good faith estimate  
19 of the total expenses that the registrant and its em-  
20 ployees incurred in connection with lobbying activi-  
21 ties during the semiannual filing period;

22 (5) the name, address, and principal place of  
23 business of any person or entity other than the cli-  
24 ent who paid the registrant to lobby on behalf of the  
25 client; and

1           (6) a good faith estimate of the total expenses  
2           that the registrant and its employees incurred in  
3           connection with grassroots lobbying communications  
4           on behalf of the client (including any amount paid,  
5           in connection with such communications, to a person  
6           or entity required to be identified under section  
7           104(b)(5)).

8           (c) ESTIMATES OF INCOME OR EXPENSES.—For pur-  
9           poses of this section, estimates of income or expenses shall  
10          be made as follows:

11           (1) \$100,000 OR LESS.—Income or expenses of  
12           \$100,000 or less shall be estimated in accordance  
13           with the following categories:

14                   (A) \$10,000 or less.

15                   (B) More than \$10,000 but not more than  
16                   \$20,000.

17                   (C) More than \$20,000 but not more than  
18                   \$50,000.

19                   (D) More than \$50,000 but not more than  
20                   \$100,000.

21           (2) MORE THAN \$100,000 BUT NOT MORE THAN  
22           \$500,000.—Income or expenses in excess of \$100,000  
23           but not more than \$500,000 shall be estimated and  
24           rounded to the nearest \$50,000.

1           (3) MORE THAN \$500,000.—Income or expenses  
2           in excess of \$500,000 shall be estimated and round-  
3           ed to the nearest \$100,000.

4           (4) ESTIMATES BASED ON TAX REPORTING SYS-  
5           TEM.—In the case of any registrant that is required  
6           to report and does report lobbying expenditures as  
7           required by section 6033(b)(8) of the Internal Reve-  
8           nue Code of 1986, regulations prescribed under sec-  
9           tion 107 shall provide that the registrant may make  
10          a good faith estimate of applicable amounts that  
11          would be required to be disclosed under such section  
12          of the Internal Revenue Code of 1986 for the appli-  
13          cable semiannual period (by category of dollar value)  
14          to meet the requirements of subsections (b)(4) and  
15          (b)(6), if each time the registrant makes such an es-  
16          timate, the registrant informs the Director that the  
17          registrant is making such an estimate.

18          (5) CONSTRUCTION.—In estimating total in-  
19          come or expenses under this section, a registrant is  
20          not required to include—

21                (A) the value of contributed services for  
22                which no payment is made; or

23                (B) the expenses for services provided by  
24                an independent contractor of the registrant who  
25                is separately registered under this title.

1 (d) CONTACTS.—

2 (1) CONTACTS WITH COMMITTEES.—For pur-  
3 poses of subsection (b)(2), any contact with a mem-  
4 ber of a committee of Congress, an employee of a  
5 committee of Congress, or an employee of a member  
6 of a committee of Congress regarding a matter with-  
7 in the jurisdiction of such committee shall be consid-  
8 ered to be a contact with the committee.

9 (2) CONTACTS WITH HOUSE OF CONGRESS.—  
10 For purposes of subsection (b)(2), any contact with  
11 a Member of Congress or an employee of a Member  
12 of Congress regarding a matter that is not within  
13 the jurisdiction of a committee of Congress of which  
14 that Member is a member shall be considered to be  
15 a contact with the House of Congress of that  
16 Member.

17 (3) CONTACTS WITH FEDERAL AGENCIES.—For  
18 purposes of subsection (b)(2), any contact with a  
19 covered executive branch official shall be considered  
20 to be a contact with the Federal agency that em-  
21 ploys that official, except that a contact with a cov-  
22 ered executive branch official who is detailed to an-  
23 other Federal agency or to the Congress shall be  
24 considered to be a contact with the Federal agency

1 or with the committee of Congress or House of Con-  
2 gress to which the official is detailed.

3 (e) EXTENSION FOR FILING.—The Director may  
4 grant an extension of time of not more than 30 days for  
5 the filing of any report under this section, upon the re-  
6 quest of the registrant, for good cause shown.

7 **SEC. 106. PROHIBITION ON GIFTS BY LOBBYISTS, LOBBY-**  
8 **ING FIRMS, AND AGENTS OF FOREIGN PRIN-**  
9 **CIPALS.**

10 (a) IN GENERAL.—

11 (1) PROHIBITION.—No lobbyist or lobbying  
12 firm registered under this title and no agent of a  
13 foreign principal registered under the Foreign  
14 Agents Registration Act may provide a gift, directly  
15 or indirectly, to any covered legislative branch  
16 official.

17 (2) DEFINITION.—For purposes of this  
18 section—

19 (A) the term ‘gift’ means any gratuity,  
20 favor, discount, entertainment, hospitality, loan,  
21 forbearance, or other item having monetary  
22 value and such term includes gifts of services,  
23 training, transportation, lodging, and meals,  
24 whether provided in kind, by purchase of a tick-

1 et, payment in advance, or reimbursement after  
2 the expense has been incurred; and

3 (B) a gift to the spouse or dependent of a  
4 covered legislative branch official (or a gift to  
5 any other individual based on that individual's  
6 relationship with the covered legislative branch  
7 official) shall be considered a gift to the covered  
8 legislative branch official if it is given with the  
9 knowledge and acquiescence of the covered leg-  
10 islative branch official and is given because of  
11 the official position of the covered legislative  
12 branch official.

13 (b) GIFTS.—The prohibition in subsection (a) in-  
14 cludes the following:

15 (1) Anything provided by a lobbyist or a foreign  
16 agent which is paid for, charged to, or reimbursed  
17 by a client or firm of such lobbyist or foreign agent.

18 (2) Anything provided by a lobbyist, a lobbying  
19 firm, or a foreign agent to an entity that is main-  
20 tained or controlled by a covered legislative branch  
21 official.

22 (3) A charitable contribution (as defined in sec-  
23 tion 170(c) of the Internal Revenue Code of 1986)  
24 made by a lobbyist, a lobbying firm, or a foreign  
25 agent on the basis of a designation, recommenda-

1       tion, or other specification of a covered legislative  
2       branch official (not including a mass mailing or  
3       other solicitation directed to a broad category of per-  
4       sons or entities).

5           (4) A contribution or other payment by a lobby-  
6       ist, a lobbying firm, or a foreign agent to a legal ex-  
7       pense fund established for the benefit of a covered  
8       legislative branch official or a covered executive  
9       branch official.

10          (5) A charitable contribution (as defined in sec-  
11       tion 170(c) of the Internal Revenue Code of 1986)  
12       made by a lobbyist, a lobbying firm, or a foreign  
13       agent in lieu of an honorarium to a covered legisla-  
14       tive branch official.

15          (6) A financial contribution or expenditure  
16       made by a lobbyist, a lobbying firm, or a foreign  
17       agent relating to a conference, retreat, or similar  
18       event, sponsored by or affiliated with an official con-  
19       gressional organization, for or on behalf of covered  
20       legislative branch officials.

21       (c) NOT GIFTS.—The following are not gifts subject  
22       to the prohibition in subsection (a):

23           (1) Anything for which the recipient pays the  
24       market value, or does not use and promptly returns  
25       to the donor.

1           (2) A contribution, as defined in the Federal  
2       Election Campaign Act of 1971 (2 U.S.C. 431 et  
3       seq.) that is lawfully made under that Act, or at-  
4       tendance at a fundraising event sponsored by a po-  
5       litical organization described in section 527(e) of the  
6       Internal Revenue Code of 1986.

7           (3) Food or refreshments of nominal value of-  
8       fered other than as part of a meal.

9           (4) Benefits resulting from the business, em-  
10      ployment, or other outside activities of the spouse of  
11      a covered legislative branch official, if such benefits  
12      are customarily provided to others in similar cir-  
13      cumstances.

14          (5) Pension and other benefits resulting from  
15      continued participation in an employee welfare and  
16      benefits plan maintained by a former employer.

17          (6) Informational materials that are sent to the  
18      office of a covered legislative branch official in the  
19      form of books, articles, periodicals, other written  
20      materials, audio tapes, videotapes, or other forms of  
21      communication.

22      (d) GIFTS GIVEN FOR A NONBUSINESS PURPOSE  
23      AND MOTIVATED BY FAMILY RELATIONSHIP OR CLOSE  
24      PERSONAL FRIENDSHIP.—



1           (1) IN GENERAL.—A gift given by an individual  
2           under circumstances which make it clear that the  
3           gift is given for a nonbusiness purpose and is moti-  
4           vated by a family relationship or close personal  
5           friendship and not by the position of the covered leg-  
6           islative branch official shall not be subject to the  
7           prohibition in subsection (a).

8           (2) NONBUSINESS PURPOSE.—A gift shall not  
9           be considered to be given for a nonbusiness purpose  
10          if the individual giving the gift seeks—

11                (A) to deduct the value of such gift as a  
12                business expense on the individual's Federal in-  
13                come tax return, or

14                (B) direct or indirect reimbursement or  
15                any other compensation for the value of the gift  
16                from a client or employer of such lobbyist or  
17                foreign agent.

18          (3) FAMILY RELATIONSHIP OR CLOSE PER-  
19          SONAL FRIENDSHIP.—In determining if the giving of  
20          a gift is motivated by a family relationship or close  
21          personal friendship, at least the following factors  
22          shall be considered:

23                (A) The history of the relationship between  
24                the individual giving the gift and the recipient

1 of the gift, including whether or not gifts have  
2 previously been exchanged by such individuals.

3 (B) Whether the gift was purchased by the  
4 individual who gave the item.

5 (C) Whether the individual who gave the  
6 gift also at the same time gave the same or  
7 similar gifts to other covered legislative branch  
8 officials.

9 **SEC. 107. OFFICE OF LOBBYING REGISTRATION AND PUB-**  
10 **LIC DISCLOSURE.**

11 (a) ESTABLISHMENT AND DIRECTOR.—

12 (1) ESTABLISHMENT.—There is established an  
13 executive agency to be known as the Office of Lob-  
14 bying Registration and Public Disclosure.

15 (2) DIRECTOR.—(A) The Office shall be headed  
16 by a Director, who shall be appointed by the Presi-  
17 dent, by and with the advice and consent of the  
18 Senate.

19 (B) The Director shall be an individual who, by  
20 demonstrated ability, background, training, and ex-  
21 perience, is qualified to carry out the functions of  
22 the position. The term of service of the Director  
23 shall be 5 years. The Director may be removed for  
24 cause.

1 (C) Section 5316 of title 5, United States Code,  
2 is amended by adding at the end the following: “Di-  
3 rector of the Office of Lobbying Registration and  
4 Public Disclosure”.

5 (b) ADMINISTRATIVE POWERS.—The Director may—

6 (1) appoint officers and employees, including  
7 attorneys, in accordance with chapter 51 and sub-  
8 chapter III of chapter 53 of title 5, United States  
9 Code, define their duties and responsibilities, and di-  
10 rect and supervise their activities;

11 (2) contract for financial and administrative  
12 services (including those related to budget and ac-  
13 counting, financial reporting, personnel, and pro-  
14 curement) with the General Services Administration,  
15 or such Federal agency as the Director determines  
16 appropriate, for which payment shall be made in ad-  
17 vance or by reimbursement from funds of the Office  
18 in such amounts as may be agreed upon by the Di-  
19 rector and the head of the agency providing such  
20 services, but the contract authority under this para-  
21 graph shall be effective for any fiscal year only to  
22 the extent that appropriations are available for that  
23 purpose;

24 (3) request the head of any Federal department  
25 or agency (who is hereby so authorized) to detail to

1 temporary duties with the Office such personnel  
2 within the agency head's administrative jurisdiction  
3 as the Office may need for carrying out its functions  
4 under this title, with or without reimbursement;

5 (4) request agency heads to provide information  
6 needed by the Office, which information shall be  
7 supplied to the extent permitted by law;

8 (5) utilize, with their consent, the services and  
9 facilities of Federal agencies with or without reim-  
10 bursement;

11 (6) accept, use, and dispose of gifts or dona-  
12 tions of services or property, real, personal, or  
13 mixed, tangible or intangible, for purposes of aiding  
14 or facilitating the work of the Office; and

15 (7) use the United States mails in the same  
16 manner and under the same conditions as other de-  
17 partments and agencies of the United States.

18 (c) COOPERATION WITH OTHER GOVERNMENTAL  
19 AGENCIES.—In order to avoid unnecessary expense and  
20 duplication of function among Government agencies, the  
21 Office may make such arrangements or agreements for co-  
22 operation or mutual assistance in the performance of its  
23 functions under this title as is practicable and consistent  
24 with law. The head of the General Services Administration  
25 and each department, agency, or establishment of the

1 United States shall cooperate with the Office and, to the  
2 extent permitted by law, provide such information, serv-  
3 ices, personnel, and facilities as the Office may request  
4 for its assistance in the performance of its functions under  
5 this title.

6 (d) DUTIES.—The Director shall—

7 (1) after notice and a reasonable opportunity  
8 for public comment, and consultation with the Sec-  
9 retary of the Senate, the Clerk of the House of Rep-  
10 resentatives, and the Administrative Conference of  
11 the United States, prescribe such regulations, pen-  
12 alty guidelines, and forms as are necessary to carry  
13 out this title;

14 (2) provide guidance and assistance on the reg-  
15 istration and reporting requirements of this title,  
16 including—

17 (A) providing information to all registrants  
18 at the time of registration about the obligations  
19 of registered lobbyists under this title, and

20 (B) issuing published decisions and advi-  
21 sory opinions;

22 (3) review the registrations and reports filed  
23 under this title and make such verifications or in-  
24 quiries as are necessary to ensure the completeness,

1 accuracy, and timeliness of the registrations and  
2 reports;

3 (4) develop filing, coding, and cross-indexing  
4 systems to carry out the purposes of this title,  
5 including—

6 (A) a publicly available list of all registered  
7 lobbyists and their clients; and

8 (B) computerized systems designed to min-  
9 imize the burden of filing and maximize public  
10 access to materials filed under this title;

11 (5) ensure that the computer systems developed  
12 pursuant to paragraph (4)—

13 (A) allow the materials filed under this  
14 title to be accessed by the client name, lobbyist  
15 name, and registrant name;

16 (B) are compatible with computer systems  
17 developed and maintained by the Federal Elec-  
18 tion Commission, and that information filed in  
19 the two systems can be readily cross-referenced;  
20 and

21 (C) are compatible with computer systems  
22 developed and maintained by the Secretary of  
23 the Senate and the Clerk of the House of  
24 Representatives;

1           (6) make copies of each registration and report  
2       filed under this title available to the public, upon the  
3       payment of reasonable fees, not to exceed the cost  
4       of such copies, as determined by the Director, in  
5       written and electronic formats, as soon as prac-  
6       ticable after the date on which such registration or  
7       report is received;

8           (7) preserve the originals or accurate reproduc-  
9       tion of—

10           (A) registrations filed under this title for a  
11       period that ends not less than 3 years after the  
12       termination of the registration under section  
13       104(d); and

14           (B) reports filed under this title for a pe-  
15       riod that ends not less than 3 years after the  
16       date on which the report is received;

17       (8) maintain a computer record of—

18           (A) the information contained in registra-  
19       tions for a period that ends not less than 5  
20       years after the termination of the registration  
21       under section 104(d); and

22           (B) the information contained in reports  
23       filed under this title for a period that ends not  
24       less than 5 years after the date on which the  
25       reports are received;

1           (9) compile and summarize, with respect to  
2           each semiannual period, the information contained  
3           in registrations and reports filed with respect to  
4           such period in a manner which clearly presents the  
5           extent and nature of expenditures on lobbying activi-  
6           ties during such period;

7           (10) make information compiled and summa-  
8           rized under paragraph (9) available to the public in  
9           electronic and hard copy formats as soon as prac-  
10          ticable after the close of each semiannual filing  
11          period;

12          (11) provide, by computer telecommunication or  
13          other transmittal in a form accessible by computer,  
14          to the Secretary of the Senate and the Clerk of the  
15          House of Representatives copies of all registrations  
16          and reports received under sections 104 and 105  
17          and all compilations, cross-indexes, and summaries  
18          of such registrations and reports, as soon as prac-  
19          ticable (but not later than 3 working days) after  
20          such material is received or created;

21          (12) make available to the public a list of all  
22          persons whom the Director determines, under sec-  
23          tion 109 (after exhaustion of all appeals under sec-  
24          tion 111) to have committed a major or minor viola-  
25          tion of this title and submit such list to the Con-



1       gress as part of the report provided for under para-  
2       graph (13);

3           (13) make available to the public upon request  
4       and transmit to the President, the Secretary of the  
5       Senate, the Clerk of the House of Representatives,  
6       the Committee on Governmental Affairs of the Sen-  
7       ate, and the Committee on the Judiciary of the  
8       House of Representatives a report, not later than  
9       March 31 of each year, describing the activities of  
10      the Office and the implementation of this title,  
11      including—

12           (A) a financial statement for the preceding  
13          fiscal year;

14           (B) a summary of the registrations and re-  
15          ports filed with the Office with respect to the  
16          preceding calendar year;

17           (C) a summary of the registrations and re-  
18          ports filed on behalf of foreign entities with re-  
19          spect to the preceding calendar year; and

20           (D) recommendations for such legislative  
21          or other action as the Director considers appro-  
22          priate; and

23           (14) study the appropriateness of the definition  
24          of “public official” under section 103(17) and make

1        recommendations for any change in such definition  
2        in the first report filed pursuant to paragraph (13).

3    **SEC. 108. INITIAL PROCEDURE FOR ALLEGED VIOLATIONS.**

4        (a) ALLEGATION OF A VIOLATION.—Whenever the  
5    Office of Lobbying Registration and Public Disclosure has  
6    reason to believe that a person or entity may be in viola-  
7    tion of the requirements of this title, the Director shall  
8    notify the person or entity in writing of the nature of the  
9    alleged violation and provide an opportunity for the person  
10   or entity to respond in writing to the allegation within 30  
11   days after the notification is sent or such longer period  
12   as the Director may determine appropriate in the  
13   circumstances.

14        (b) INITIAL DETERMINATION.—

15            (1) IN GENERAL.—If the person or entity re-  
16    sponds within the period described in the notification  
17    under subsection (a), the Director shall—

18                    (A) issue a written determination that the  
19                    person or entity has not violated this title if the  
20                    person or entity provides adequate information  
21                    or explanation to make such determination; or

22                    (B) make a formal request for information  
23                    under subsection (c) or a notification under sec-  
24                    tion 109(a), if the information or explanation

1           provided is not adequate to make a determina-  
2           tion under subparagraph (A).

3           (2) WRITTEN DECISION.—If the Director makes  
4           a determination under paragraph (1)(A), the Direc-  
5           tor shall issue a public written decision in accord-  
6           ance with section 110.

7           (c) FORMAL REQUEST FOR INFORMATION.—If a per-  
8           son or entity fails to respond in writing within the period  
9           described in the notification under subsection (a) or the  
10          response is not adequate to determine whether such per-  
11          son or entity has violated this title, the Director may make  
12          a formal request for specific additional written informa-  
13          tion (subject to applicable privileges) that is reasonably  
14          necessary for the Director to make such determination.  
15          Each such request shall be structured to minimize any  
16          burden imposed, consistent with the need to determine  
17          whether the person or entity is in compliance with this  
18          title, and shall—

19               (1) state the nature of the conduct constituting  
20               the alleged violation which is the basis for the in-  
21               quiry and the provision of law applicable thereto;

22               (2) describe the class or classes of material to  
23               be produced pursuant to the request with such defi-  
24               niteness and certainty as to permit such material to  
25               be readily identified; and

1           (3) prescribe a return date or dates which pro-  
2       vide a reasonable period of time within which the  
3       person or entity may assemble and make available  
4       for inspection and copying or reproduction the mate-  
5       rial so requested.

6   **SEC. 109. DETERMINATIONS OF VIOLATIONS.**

7       (a) NOTIFICATION AND HEARING.—If the informa-  
8       tion provided to the Director under section 108 indicates  
9       that a person or entity may have violated this title, the  
10      Director shall—

11           (1) notify the person or entity in writing of this  
12       finding and, if appropriate, a proposed penalty as-  
13       sessment and provide such person or entity with an  
14       opportunity to respond in writing within 30 days  
15       after the notice is sent; and

16           (2) if requested in writing by that person or en-  
17       tity within that 30-day period, afford the person or  
18       entity an opportunity for a hearing on the record  
19       under the provisions of section 554 of title 5, United  
20       States Code.

21       (b) DETERMINATION.—Upon the receipt of a written  
22       response under subsection (a)(1) when no hearing under  
23       subsection (a)(2) is requested, upon the completion of a  
24       hearing requested under subsection (a)(2), or upon the ex-  
25       piration of 30 days in a case in which no such written

1 response is received, the Director shall review the informa-  
2 tion received under section 108 and this section (including  
3 evidence presented at any such hearing) and make a final  
4 determination whether there was a violation and a final  
5 determination of the penalty, if any. If no written response  
6 was received under this section within the 30-day period  
7 provided, the determination and penalty assessment shall  
8 constitute a final order not subject to appeal.

9 (c) WRITTEN DECISION.—

10 (1) DETERMINATION OF VIOLATION.—If the  
11 Director makes a final determination under sub-  
12 section (b) that there was a violation, the Director  
13 shall issue a written decision in accordance with sec-  
14 tion 110—

15 (A) directing the person or entity to cor-  
16 rect the violation; and

17 (B) assessing a civil monetary penalty—

18 (i) in the case of a minor violation,  
19 which shall be no more than \$10,000, de-  
20 pending on the extent and gravity of the  
21 violation;

22 (ii) in the case of a major violation,  
23 which shall be more than \$10,000, but no  
24 more than \$200,000, depending on the ex-  
25 tent and gravity of the violation;

1 (iii) in the case of a late registration  
2 or filing, which shall be \$200 for each  
3 week by which the registration or filing  
4 was late, unless the Director determines  
5 that the failure to timely register or file  
6 constitutes a major violation (as defined  
7 under subsection (e)(2)) in which case the  
8 amount shall be as prescribed by clause  
9 (ii); or

10 (iv) in the case of a failure to provide  
11 information requested by the Director pur-  
12 suant to section 108(c), which shall be no  
13 more than \$10,000, depending on the ex-  
14 tent and gravity of the violation, except  
15 that no penalty shall be assessed if the Di-  
16 rector determines that the violation was  
17 the result of a good faith dispute over the  
18 validity or appropriate scope of a request  
19 for information.

20 (2) DETERMINATION OF NO VIOLATION OR IN-  
21 SUFFICIENT EVIDENCE.—If the Director determines  
22 that no violation occurred or there was not sufficient  
23 evidence that a violation occurred, the Director shall  
24 issue a written decision in accordance with section  
25 110.

1       (d) CIVIL INJUNCTIVE RELIEF.—If a person or en-  
2   tity fails to comply with a directive to correct a violation  
3   under subsection (c), the Director shall refer the case to  
4   the Attorney General to seek civil injunctive relief in the  
5   appropriate court of the United States to compel such per-  
6   son or entity to comply with such directive.

7       (e) PENALTY ASSESSMENTS.—

8           (1) GENERAL RULE.—No penalty shall be as-  
9   sessed under this section unless the Director finds  
10   that the person or entity subject to the penalty knew  
11   or should have known that such person or entity was  
12   in violation of this title. In determining the amount  
13   of a penalty to be assessed, the Director shall take  
14   into account the totality of the circumstances, in-  
15   cluding the extent and gravity of the violation,  
16   whether the violation was voluntarily admitted and  
17   corrected, the extent to which the person or entity  
18   may have profited from the violation, the ability of  
19   the person or entity to pay, and such other matters  
20   as justice may require.

21          (2) REGULATIONS.—Regulations prescribed by  
22   the Director under section 107 shall define major  
23   and minor violations. Major violations shall be de-  
24   fined to include a failure to register and any other  
25   violation that is extensive or repeated, if the person

1 or entity who failed to register or committed such  
2 other violation—

3 (A) had actual knowledge that the conduct  
4 constituted a violation;

5 (B) acted in deliberate ignorance of the  
6 provisions of this title or regulations related to  
7 the conduct constituting a violation; or

8 (C) acted in reckless disregard of the pro-  
9 visions of this title or regulations related to the  
10 conduct constituting a violation.

11 (f) LIMITATION.—No proceeding shall be initiated  
12 under section 108 or this section unless the Director noti-  
13 fies the person or entity who is to be the subject of the  
14 proceeding of the alleged violation within 3 years after the  
15 date on which the alleged violation occurred.

16 **SEC. 110. DISCLOSURE OF INFORMATION; WRITTEN DECI-**  
17 **SIONS.**

18 (a) DISCLOSURE OF INFORMATION.—Information  
19 provided to the Director pursuant to sections 108 and 109  
20 shall not be made available to the public without the con-  
21 sent of the person or entity providing the information, ex-  
22 cept to the extent that such information may be included  
23 in—

24 (1) a new or amended report or registration  
25 filed under this title; or



1           (2) a written decision issued by the Director  
2           under this section.

3           (b) WRITTEN DECISIONS.—All written decisions is-  
4           sued by the Director under sections 108 and 109 shall  
5           be made available to the public. The Director may provide  
6           for the publication of a written decision if the Director  
7           determines that publication would provide useful guidance.  
8           Before making a written decision public, the Director—

9           (1) shall delete information that would identify  
10          a person or entity who was alleged to have violated  
11          this title if—

12                 (A) there was insufficient evidence to de-  
13                 termine that the person or entity violated this  
14                 title or the Director found that person or entity  
15                 did not violate this title, and

16                 (B) the person or entity so requests; and

17          (2) shall delete information that would identify  
18          any other person or entity (other than a person or  
19          entity who was found to have violated this title), if  
20          the Director determines that such person or entity  
21          could reasonably be expected to be injured by the  
22          disclosure of such information.

23 **SEC. 111. JUDICIAL REVIEW.**

24          (a) FINAL DECISION.—A written decision issued by  
25          the Director under section 109 shall become final 60 days

1 after the date on which the Director provides notice of  
2 the decision, unless such decision is appealed under sub-  
3 section (b) of this section.

4 (b) APPEAL.—Any person or entity adversely affected  
5 by a written decision issued by the Director under section  
6 109 may appeal such decision, except as provided under  
7 section 109(b), to the appropriate United States court of  
8 appeals. Such review may be obtained by filing a written  
9 notice of appeal in such court no later than 60 days after  
10 the date on which the Director provides notice of the Di-  
11 rector's decision and by simultaneously sending a copy of  
12 such notice of appeal to the Director. The Director shall  
13 file in such court the record upon which the decision was  
14 issued, as provided under section 2112 of title 28, United  
15 States Code. The findings of fact of the Director shall be  
16 conclusive, unless found to be unsupported by substantial  
17 evidence, as provided under section 706(2)(E) of title 5,  
18 United States Code. Any penalty assessed or other action  
19 taken in the decision shall be stayed during the pendency  
20 of the appeal.

21 (c) RECOVERY OF PENALTY.—Any penalty assessed  
22 in a written decision which has become final under this  
23 title may be recovered in a civil action brought by the At-  
24 torney General in an appropriate United States district  
25 court. In any such action, no matter that was raised or

1 that could have been raised before the Director or pursu-  
2 ant to judicial review under subsection (b) may be raised  
3 as a defense, and the determination of liability and the  
4 determination of amounts of penalties and assessments  
5 shall not be subject to review.

6 **SEC. 112. RULES OF CONSTRUCTION.**

7 (a) CONSTITUTIONAL RIGHTS.—Nothing in this title  
8 shall be construed to prohibit or interfere with—

9 (1) the right to petition the government for the  
10 redress of grievances;

11 (2) the right to express a personal opinion; or

12 (3) the right of association,

13 protected by the First Amendment to the Constitution.

14 (b) PROHIBITION OF ACTIVITIES.—Nothing in this  
15 title shall be construed to prohibit, or to authorize the Di-  
16 rector or any court to prohibit, lobbying activities or lobby-  
17 ing contacts by any person or entity, regardless of whether  
18 such person or entity is in compliance with the require-  
19 ments of this title.

20 (c) AUDIT AND INVESTIGATIONS.—Nothing in this  
21 title shall be construed to grant general audit or investiga-  
22 tive authority to the Director.

1 **SEC. 113. AMENDMENTS TO THE FOREIGN AGENTS REG-**  
2 **ISTRATION ACT.**

3 The Foreign Agents Registration Act of 1938 (22  
4 U.S.C. 611 et seq.) is amended—

5 (1) in section 1—

6 (A) by striking subsection (j);

7 (B) in subsection (o) by striking “the dis-  
8 semination of political propaganda and any  
9 other activity which the person engaging therein  
10 believes will, or which he intends to, prevail  
11 upon, indoctrinate, convert, induce, persuade,  
12 or in any other way influence” and inserting  
13 “any activity that the person engaging in be-  
14 lieves will, or that the person intends to, in any  
15 way influence”;

16 (C) in subsection (p) by striking the semi-  
17 colon and inserting a period; and

18 (D) by striking subsection (q);

19 (2) in section 3(g) (22 U.S.C. 613(g)), by strik-  
20 ing “established agency proceedings, whether formal  
21 or informal.” and inserting “judicial proceedings,  
22 criminal or civil law enforcement inquiries, investiga-  
23 tions, or proceedings, or agency proceedings required  
24 by statute or regulation to be conducted on the  
25 record.”;

1           (3) in section 3 (22 U.S.C. 613) by adding at  
2       the end the following:

3       “(h) Any agent of a person described in section  
4       1(b)(2) or an entity described in section 1(b)(3) if the  
5       agent is required to register and does register under the  
6       Lobbying Disclosure Act of 1995 in connection with the  
7       agent’s representation of such person or entity.”;

8           (4) in section 4(a) (22 U.S.C. 614(a))—

9           (A) by striking “political propaganda” and  
10          inserting “informational materials”; and

11          (B) by striking “and a statement, duly  
12          signed by or on behalf of such an agent, setting  
13          forth full information as to the places, times,  
14          and extent of such transmittal”;

15          (5) in section 4(b) (22 U.S.C. 614(b))—

16          (A) in the matter preceding clause (i), by  
17          striking “political propaganda” and inserting  
18          “informational materials”; and

19          (B) by striking “(i) in the form of prints,  
20          or” and all that follows through the end of the  
21          subsection and inserting “without placing in  
22          such informational materials a conspicuous  
23          statement that the materials are distributed by  
24          the agent on behalf of the foreign principal, and  
25          that additional information is on file with the

1 Department of Justice, Washington, District of  
2 Columbia. The Attorney General may by rule  
3 define what constitutes a conspicuous statement  
4 for the purposes of this subsection.”;

5 (6) in section 4(c) (22 U.S.C. 614(c)), by strik-  
6 ing “political propaganda” and inserting “informa-  
7 tional materials”;

8 (7) in section 6 (22 U.S.C. 616)—

9 (A) in subsection (a) by striking “and all  
10 statements concerning the distribution of politi-  
11 cal propaganda”;

12 (B) in subsection (b) by striking “, and  
13 one copy of every item of political propaganda”;  
14 and

15 (C) in subsection (c) by striking “copies of  
16 political propaganda,”;

17 (8) in section 8 (22 U.S.C. 618)—

18 (A) in subsection (a)(2) by striking “or in  
19 any statement under section 4(a) hereof con-  
20 cerning the distribution of political propa-  
21 ganda”; and

22 (B) by striking subsection (d); and

23 (9) in section 11 (22 U.S.C. 621) by striking  
24 “, including the nature, sources, and content of po-  
25 litical propaganda disseminated or distributed”.

1 **SEC. 114. AMENDMENTS TO THE BYRD AMENDMENT.**

2 (a) REVISED CERTIFICATION REQUIREMENTS.—Sec-  
3 tion 1352(b) of title 31, United States Code, is amended—

4 (1) in paragraph (2) by striking subparagraphs  
5 (A), (B), and (C) and inserting the following:

6 “(A) the name of any registrant under the  
7 Lobbying Disclosure Act of 1995 who has made  
8 lobbying contacts on behalf of the person with  
9 respect to that Federal contract, grant, loan, or  
10 cooperative agreement; and

11 “(B) a certification that the person making  
12 the declaration has not made, and will not  
13 make, any payment prohibited by subsection  
14 (a).”; and

15 (2) in paragraph (3) by striking all that follows  
16 “loan shall contain” and inserting “the name of any  
17 registrant under the Lobbying Disclosure Act of  
18 1995 who has made lobbying contacts on behalf of  
19 the person in connection with that loan insurance or  
20 guarantee.”; and

21 (3) by striking paragraph (6) and redesignating  
22 paragraph (7) as paragraph (6).

23 (b) REMOVAL OF OBSOLETE REPORTING REQUIRE-  
24 MENT.—Section 1352 of title 31, United States Code, is  
25 further amended—

26 (1) by striking subsection (d); and

1           (2) by redesignating subsections (e), (f), (g),  
2           and (h) as subsections (d), (e), (f), and (g), respec-  
3           tively.

4   **SEC. 115. REPEAL OF CERTAIN LOBBYING PROVISIONS.**

5           (a) REPEAL OF THE FEDERAL REGULATION OF LOB-  
6   BYING ACT.—The Federal Regulation of Lobbying Act (2  
7   U.S.C. 261 et seq.) is repealed.

8           (b) REPEAL OF PROVISIONS RELATING TO HOUSING  
9   LOBBYIST ACTIVITIES.—

10           (1) Section 13 of the Department of Housing  
11   and Urban Development Act (42 U.S.C. 3537b) is  
12   repealed.

13           (2) Section 536(d) of the Housing Act of 1949  
14   (42 U.S.C. 1490p(d)) is repealed.

15   **SEC. 116. CONFORMING AMENDMENTS TO OTHER STAT-**  
16                                   **UTES.**

17           (a) AMENDMENT TO COMPETITIVENESS POLICY  
18   COUNCIL ACT.—Section 5206(e) of the Competitiveness  
19   Policy Council Act (15 U.S.C. 4804(e)) is amended by in-  
20   serting “or a lobbyist for a foreign entity (as the terms  
21   ‘lobbyist’ and ‘foreign entity’ are defined under section  
22   103 of the Lobbying Disclosure Act of 1995)” after “an  
23   agent for a foreign principal”.

24           (b) AMENDMENTS TO TITLE 18, UNITED STATES  
25   CODE.—Section 219(a) of title 18, United States Code,



1 is amended (1) by inserting “or a lobbyist required to reg-  
2 ister under the Lobbying Disclosure Act of 1995 in con-  
3 nection with the representation of a foreign entity, as de-  
4 fined in section 103(7) of that Act” after “an agent of  
5 a foreign principal required to register under the Foreign  
6 Agents Registration Act of 1938”, and (2) by striking out  
7 “, as amended,”.

8 (c) AMENDMENT TO FOREIGN SERVICE ACT OF  
9 1980.—Section 602(c) of the Foreign Service Act of 1980  
10 (22 U.S.C. 4002(c)) is amended by inserting “or a lobby-  
11 ist for a foreign entity (as defined in section 103(7) of  
12 the Lobbying Disclosure Act of 1995)” after “an agent  
13 of a foreign principal (as defined by section 1(b) of the  
14 Foreign Agents Registration Act of 1938)”.

15 **SEC. 117. SEVERABILITY.**

16 If any provision of this title, or the application there-  
17 of, is held invalid, the validity of the remainder of this  
18 title and the application of such provision to other persons  
19 and circumstances shall not be affected thereby.

20 **SEC. 118. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated for fiscal  
22 years 1995, 1996, 1997, 1998, and 1999 such sums as  
23 may be necessary to carry out this title.

1 **SEC. 119. IDENTIFICATION OF CLIENTS AND COVERED**  
2 **OFFICIALS.**

3 (a) ORAL LOBBYING CONTACTS.—Any person or en-  
4 tity that makes an oral lobbying contact with a covered  
5 legislative branch official or a covered executive branch of-  
6 ficial shall, on the request of the official at the time of  
7 the lobbying contact—

8 (1) state whether the person or entity is reg-  
9 istered under this title and identify the client on  
10 whose behalf the lobbying contact is made; and

11 (2) state whether such client is a foreign entity  
12 and identify any foreign entity required to be dis-  
13 closed under section 104(b)(4) that has a direct in-  
14 terest in the outcome of the lobbying activity.

15 (b) WRITTEN LOBBYING CONTACTS.—Any person or  
16 entity registered under this title that makes a written lob-  
17 bying contact (including an electronic communication)  
18 with a covered legislative branch official or a covered exec-  
19 utive branch official shall—

20 (1) if the client on whose behalf the lobbying  
21 contact was made is a foreign entity, identify such  
22 client, state that the client is considered a foreign  
23 entity under this title, and state whether the person  
24 making the lobbying contact is registered on behalf  
25 of that client under section 104; and

1           (2) identify any other foreign entity identified  
2           pursuant to section 104(b)(4) that has a direct in-  
3           terest in the outcome of the lobbying activity.

4           (c) IDENTIFICATION AS COVERED OFFICIAL.—Upon  
5           request by a person or entity making a lobbying contact,  
6           the individual who is contacted or the office employing  
7           that individual shall indicate whether or not the individual  
8           is a covered legislative branch official or a covered execu-  
9           tive branch official.

10   **SEC. 120. TRANSITIONAL FILING REQUIREMENT.**

11           (a) SIMULTANEOUS FILING.—Subject to subsection  
12           (b), each registrant shall transmit simultaneously to the  
13           Secretary of the Senate and the Clerk of the House of  
14           Representatives an identical copy of each registration and  
15           report required to be filed under this title.

16           (b) SUNSET PROVISION.—The simultaneous filing re-  
17           quirement under subsection (a) shall be effective until  
18           such time as the Director, in consultation with the Sec-  
19           retary of the Senate and the Clerk of the House of Rep-  
20           resentatives, determines that the Office of Lobbying Reg-  
21           istration and Public Disclosure is able to provide computer  
22           telecommunication or other transmittal of registrations  
23           and reports as required under section 107(b)(11).

24           (c) IMPLEMENTATION.—The Director, the Secretary  
25           of the Senate, and the Clerk of the House of Representa-

1 tives shall take such actions as necessary to ensure that  
2 the Office of Lobbying Registration and Public Disclosure  
3 is able to provide computer telecommunication or other  
4 transmittal of registrations and reports as required under  
5 section 107(b)(11) on the effective date of this title, or  
6 as soon thereafter as reasonably practicable.

7 **SEC. 121. EFFECTIVE DATES AND INTERIM RULES.**

8 (a) IN GENERAL.—Except as otherwise provided in  
9 this section, this title and the amendments made by this  
10 title shall take effect January 1, 1996.

11 (b) EFFECTIVE DATE OF GIFT PROHIBITION.—Sec-  
12 tion 106 shall take effect on the date of the enactment  
13 of this Act. Beginning on that date, and for the remainder  
14 of calendar year, such section shall apply to any gift pro-  
15 vided by a lobbyist or an agent of a foreign principal reg-  
16 istered under the Federal Regulation of Lobbying Act or  
17 the Foreign Agents Registration Act, including any person  
18 registered under such Acts as of July 1, 1994, or there-  
19 after.

20 (c) ESTABLISHMENT OF OFFICE.—Sections 107 and  
21 118 shall take effect on the date of enactment of this Act.

22 (d) REPEALS AND AMENDMENTS.—The repeals and  
23 amendments made under sections 113, 114, 115, and 116  
24 shall take effect as provided under subsection (a), except  
25 that such repeals and amendments—

1           (1) shall not affect any proceeding or suit com-  
2           menced before the effective date under subsection  
3           (a), and in all such proceedings or suits, proceedings  
4           shall be had, appeals taken, and judgments rendered  
5           in the same manner and with the same effect as if  
6           this title had not been enacted; and

7           (2) shall not affect the requirements of Federal  
8           agencies to compile, publish, and retain information  
9           filed or received before the effective date of such re-  
10          peals and amendments.

11          (e) REGULATIONS.—Proposed regulations required to  
12          implement this title shall be published for public comment  
13          no later than 270 days after the date of the enactment  
14          of this Act. No later than 1 year after the date of the  
15          enactment of this Act, final regulations required to imple-  
16          ment this title shall be published.

17          (f) PHASE-IN PERIOD.—No penalty shall be assessed  
18          by the Director under section 109(e) for a violation of this  
19          title, other than for a violation of section 106, which oc-  
20          curs during the first semiannual reporting period under  
21          section 105 after the effective date prescribed by sub-  
22          section (a).

23          (g) INTERIM RULES.—

24                  (1) REPORTING RULE.—A person or entity that  
25          is required to account for lobbying expenditures and

1 does account for lobbying expenditures pursuant to  
2 section 162(e) of the Internal Revenue Code of 1986  
3 may make a good faith estimate (by category of dol-  
4 lar value) of the amount that would not be deduct-  
5 ible pursuant to that section for the applicable semi-  
6 annual period to meet the requirements of sections  
7 104(a)(3), 105(a)(2), and 105(b)(4), if the person or  
8 entity—

9 (A) makes such an estimate to meet the  
10 requirements of each such section of this title  
11 for a given calendar year; and

12 (B) informs the Director that the person  
13 or entity is making such an estimate in any  
14 registration or report including such an esti-  
15 mate.

16 (2) DE MINIMIS RULE.—In determining wheth-  
17 er its employees are lobbyists under section  
18 103(12)—

19 (A) a person or entity that is required to  
20 report and does report lobbying expenditures  
21 pursuant to section 6033(b)(8) of the Internal  
22 Revenue Code of 1986, and makes an estimate  
23 of expenses pursuant to section 105(c)(4) of  
24 this title to meet the requirements of sections  
25 104(a)(3), 105(a)(2), 105(b)(4), and 105(b)(6)

1 of this title, shall, in lieu of using the definition  
2 of “lobbying activities” in section 103(9) of this  
3 title, consider as lobbying activities—

4 (i) activities that are influencing legis-  
5 lation as defined in section 4911(d) of the  
6 Internal Revenue Code of 1986;

7 (ii) activities described in section  
8 4911(d)(2)(C) of the Internal Revenue  
9 Code of 1986; and

10 (iii) lobbying activities (as defined in  
11 section 103(9)) that are in support of a  
12 lobbying contact with a covered executive  
13 branch official; and

14 (B) a person or entity that is required to  
15 account for lobbying expenditures and does ac-  
16 count for lobbying expenditures pursuant to  
17 section 162(e) of the Internal Revenue Code of  
18 1986, and makes an estimate of expenses pur-  
19 suant to paragraph (1) of this subsection, shall,  
20 in lieu of using the definition of “lobbying ac-  
21 tivities” in section 103(9), consider as lobbying  
22 activities—

23 (i) activities that are influencing legis-  
24 lation within the meaning of section

1           162(e)(1)(A) of the Internal Revenue Code  
2           of 1986;

3           (ii) activities that are attempts to in-  
4           fluence the general public, as described in  
5           section 162(e)(1)(C) of the Internal Reve-  
6           nue Code of 1986; and

7           (iii) lobbying activities (as defined in  
8           section 103(9)) that are in support of a  
9           lobbying contact with a covered executive  
10          branch official.

11          (3) STUDY.—Not later than March 31, 1997,  
12          the Comptroller General of the United States shall  
13          review reporting by registrants under paragraph (1)  
14          of this section and section 105(c)(4) and report to  
15          the Congress—

16                (A) the differences between the definition  
17                of “lobbying activities” in section 103(9) and  
18                the definitions of “lobbying expenditures”, “in-  
19                fluencing legislation”, and related terms in sec-  
20                tions 162(e) and 4911 of the Internal Revenue  
21                Code of 1986, as each are implemented by reg-  
22                ulations;

23                (B) the impact that any such differences  
24                may have on filing and reporting under this  
25                title pursuant to this subsection; and



1 (C) any changes to this title or to the ap-  
2 propriate sections of the Internal Revenue Code  
3 of 1986 that the Comptroller General may rec-  
4 ommend to harmonize the definitions.

5 (4) SUNSET PERIOD.—This subsection shall  
6 cease to be effective on December 31, 1998.

7 (h) INTERIM DIRECTOR.—Within 30 days after the  
8 date of the enactment of this Act, the President shall des-  
9 ignate an interim Director of the Office of Lobbying Reg-  
10 istration and Public Disclosure, who shall serve at the  
11 pleasure of the President until a Director of such Office  
12 has been nominated by the President and confirmed by  
13 the Senate. The interim Director may not promulgate  
14 final regulations pursuant to section 107(d) or initiate  
15 procedures for alleged violations pursuant to sections 108  
16 and 109.

## 17 **TITLE II—CONGRESSIONAL GIFT** 18 **RULES**

### 19 **SEC. 201. AMENDMENTS TO SENATE RULES.**

20 Rule XXXV of the Standing Rules of the Senate is  
21 amended to read as follows:

22 “1. No Member, officer, or employee of the Senate  
23 shall accept a gift, knowing that such gift is provided by  
24 a registered lobbyist, a lobbying firm, or an agent of a

1 foreign principal in violation of the Lobbying Disclosure  
2 Act of 1995.

3 “2. (a) In addition to the restriction on receiving gifts  
4 from registered lobbyists, lobbying firms, and agents of  
5 foreign principals provided by paragraph 1 and except as  
6 provided in this Rule, no Member, officer, or employee of  
7 the Senate shall knowingly accept a gift from any other  
8 person.

9 “(b)(1) For the purpose of this Rule, the term ‘gift’  
10 means any gratuity, favor, discount, entertainment, hospi-  
11 tality, loan, forbearance, or other item having monetary  
12 value. The term includes gifts of services, training, trans-  
13 portation, lodging, and meals, whether provided in kind,  
14 by purchase of a ticket, payment in advance, or reimburse-  
15 ment after the expense has been incurred.

16 “(2) A gift to the spouse or dependent of a Member,  
17 officer, or employee (or a gift to any other individual based  
18 on that individual’s relationship with the Member, officer,  
19 or employee) shall be considered a gift to the Member,  
20 officer, or employee if it is given with the knowledge and  
21 acquiescence of the Member, officer, or employee and the  
22 Member, officer, or employee has reason to believe the gift  
23 was given because of the official position of the Member,  
24 officer, or employee.

1       “(c) The restrictions in subparagraph (a) shall not  
2 apply to the following:

3           “(1) Anything for which the Member, officer, or  
4 employee pays the market value, or does not use and  
5 promptly returns to the donor.

6           “(2) A contribution, as defined in the Federal  
7 Election Campaign Act of 1971 (2 U.S.C. 431 et  
8 seq.) that is lawfully made under that Act, or at-  
9 tendance at a fundraising event sponsored by a po-  
10 litical organization described in section 527(e) of the  
11 Internal Revenue Code of 1986.

12           “(3) Anything provided by an individual on the  
13 basis of a personal or family relationship unless the  
14 Member, officer, or employee has reason to believe  
15 that, under the circumstances, the gift was provided  
16 because of the official position of the Member, offi-  
17 cer, or employee and not because of the personal or  
18 family relationship. The Select Committee on Ethics  
19 shall provide guidance on the applicability of this  
20 clause and examples of circumstances under which a  
21 gift may be accepted under this exception.

22           “(4) A contribution or other payment to a legal  
23 expense fund established for the benefit of a Mem-  
24 ber, officer, or employee, that is otherwise lawfully  
25 made, if the person making the contribution or pay-

1       ment is identified for the Select Committee on  
2       Ethics.

3           “(5) Any food or refreshments which the recipi-  
4       ent reasonably believes to have a value of less than  
5       \$20.

6           “(6) Any gift from another Member, officer, or  
7       employee of the Senate or the House of Representa-  
8       tives.

9           “(7) Food, refreshments, lodging, and other  
10      benefits—

11           “(A) resulting from the outside business or  
12      employment activities (or other outside activi-  
13      ties that are not connected to the duties of the  
14      Member, officer, or employee as an officeholder)  
15      of the Member, officer, or employee, or the  
16      spouse of the Member, officer, or employee, if  
17      such benefits have not been offered or enhanced  
18      because of the official position of the Member,  
19      officer, or employee and are customarily pro-  
20      vided to others in similar circumstances;

21           “(B) customarily provided by a prospective  
22      employer in connection with bona fide employ-  
23      ment discussions; or

24           “(C) provided by a political organization  
25      described in section 527(e) of the Internal Rev-

1           enue Code of 1986 in connection with a fund-  
2           raising or campaign event sponsored by such an  
3           organization.

4           “(8) Pension and other benefits resulting from  
5           continued participation in an employee welfare and  
6           benefits plan maintained by a former employer.

7           “(9) Informational materials that are sent to  
8           the office of the Member, officer, or employee in the  
9           form of books, articles, periodicals, other written  
10          materials, audio tapes, videotapes, or other forms of  
11          communication.

12          “(10) Awards or prizes which are given to com-  
13          petitors in contests or events open to the public, in-  
14          cluding random drawings.

15          “(11) Honorary degrees (and associated travel,  
16          food, refreshments, and entertainment) and other  
17          bona fide, nonmonetary awards presented in recogni-  
18          tion of public service (and associated food, refresh-  
19          ments, and entertainment provided in the presen-  
20          tation of such degrees and awards).

21          “(12) Donations of products from the State  
22          that the Member represents that are intended pri-  
23          marily for promotional purposes, such as display or  
24          free distribution, and are of minimal value to any in-  
25          dividual recipient.

1           “(13) Food, refreshments, and entertainment  
2           provided to a Member or an employee of a Member  
3           in the Member’s home State, subject to reasonable  
4           limitations, to be established by the Committee on  
5           Rules and Administration.

6           “(14) An item of little intrinsic value such as  
7           a greeting card, baseball cap, or a T shirt.

8           “(15) Training (including food and refresh-  
9           ments furnished to all attendees as an integral part  
10          of the training) provided to a Member, officer, or  
11          employee, if such training is in the interest of the  
12          Senate.

13          “(16) Bequests, inheritances, and other trans-  
14          fers at death.

15          “(17) Any item, the receipt of which is author-  
16          ized by the Foreign Gifts and Decorations Act, the  
17          Mutual Educational and Cultural Exchange Act, or  
18          any other statute.

19          “(18) Anything which is paid for by the Federal  
20          Government, by a State or local government, or se-  
21          cured by the Government under a Government  
22          contract.

23          “(19) A gift of personal hospitality of an indi-  
24          vidual, as defined in section 109(14) of the Ethics  
25          in Government Act.

1           “(20) Free attendance at a widely attended  
2 event permitted pursuant to subparagraph (d).

3           “(21) Opportunities and benefits which are—

4               “(A) available to the public or to a class  
5 consisting of all Federal employees, whether or  
6 not restricted on the basis of geographic consid-  
7 eration;

8               “(B) offered to members of a group or  
9 class in which membership is unrelated to con-  
10 gressional employment;

11               “(C) offered to members of an organiza-  
12 tion, such as an employees’ association or con-  
13 gressional credit union, in which membership is  
14 related to congressional employment and similar  
15 opportunities are available to large segments of  
16 the public through organizations of similar size;

17               “(D) offered to any group or class that is  
18 not defined in a manner that specifically dis-  
19 criminate among Government employees on the  
20 basis of branch of Government or type of re-  
21 sponsibility, or on a basis that favors those of  
22 higher rank or rate of pay;

23               “(E) in the form of loans from banks and  
24 other financial institutions on terms generally  
25 available to the public; or

1           “(F) in the form of reduced membership or  
2           other fees for participation in organization ac-  
3           tivities offered to all Government employees by  
4           professional organizations if the only restric-  
5           tions on membership relate to professional  
6           qualifications.

7           “(22) A plaque, trophy, or other memento of  
8           modest value.

9           “(23) Anything for which, in an unusual case,  
10          a waiver is granted by the Select Committee on  
11          Ethics.

12          “(d)(1) Except as prohibited by paragraph 1, a Mem-  
13          ber, officer, or employee may accept an offer of free at-  
14          tendance at a widely attended convention, conference,  
15          symposium, forum, panel discussion, dinner, viewing, re-  
16          ception, or similar event, provided by the sponsor of the  
17          event, if—

18               “(A) the Member, officer, or employee partici-  
19               pates in the event as a speaker or a panel partici-  
20               pant, by presenting information related to Congress  
21               or matters before Congress, or by performing a cere-  
22               monial function appropriate to the Member’s, offi-  
23               cer’s, or employee’s official position; or



1           “(B) attendance at the event is appropriate to  
2           the performance of the official duties or representa-  
3           tive function of the Member, officer, or employee.

4           “(2) A Member, officer, or employee who attends an  
5           event described in clause (1) may accept a sponsor’s unso-  
6           licited offer of free attendance at the event for an accom-  
7           panying individual if others in attendance will generally  
8           be similarly accompanied or if such attendance is appro-  
9           priate to assist in the representation of the Senate.

10          “(3) Except as prohibited by paragraph 1, a Member,  
11          officer, or employee, or the spouse or dependent thereof,  
12          may accept a sponsor’s unsolicited offer of free attendance  
13          at a charity event, except that reimbursement for trans-  
14          portation and lodging may not be accepted in connection  
15          with the event.

16          “(4) For purposes of this paragraph, the term ‘free  
17          attendance’ may include waiver of all or part of a con-  
18          ference or other fee, the provision of local transportation,  
19          or the provision of food, refreshments, entertainment, and  
20          instructional materials furnished to all attendees as an in-  
21          tegral part of the event. The term does not include enter-  
22          tainment collateral to the event, or food or refreshments  
23          taken other than in a group setting with all or substan-  
24          tially all other attendees.

1       “(e) No Member, officer, or employee may accept a  
2 gift the value of which exceeds \$250 on the basis of the  
3 personal relationship exception in subparagraph (c)(3) or  
4 the close personal friendship exception in section 106(d)  
5 of the Lobbying Disclosure Act of 1995 unless the Select  
6 Committee on Ethics issues a written determination that  
7 one of such exceptions applies.

8       “(f)(1) The Committee on Rules and Administration  
9 is authorized to adjust the dollar amount referred to in  
10 subparagraph (c)(5) on a periodic basis, to the extent nec-  
11 essary to adjust for inflation.

12       “(2) The Select Committee on Ethics shall provide  
13 guidance setting forth reasonable steps that may be taken  
14 by Members, officers, and employees, with a minimum of  
15 paperwork and time, to prevent the acceptance of prohib-  
16 ited gifts from lobbyists.

17       “(3) When it is not practicable to return a tangible  
18 item because it is perishable, the item may, at the discre-  
19 tion of the recipient, be given to an appropriate charity  
20 or destroyed.

21       “3. (a)(1) Except as prohibited by paragraph 1, a re-  
22 imbursement (including payment in kind) to a Member,  
23 officer, or employee for necessary transportation, lodging  
24 and related expenses for travel to a meeting, speaking en-  
25 gagement, factfinding trip or similar event in connection

1 with the duties of the Member, officer, or employee as an  
2 officeholder shall be deemed to be a reimbursement to the  
3 Senate and not a gift prohibited by this rule, if the Mem-  
4 ber, officer, or employee—

5       “(A) in the case of an employee, receives ad-  
6 vance authorization, from the Member or officer  
7 under whose direct supervision the employee works,  
8 to accept reimbursement, and

9       “(B) discloses the expenses reimbursed or to be  
10 reimbursed and the authorization to the Secretary of  
11 the Senate within 30 days after the travel is  
12 completed.

13       “(2) For purposes of clause (1), events, the activities  
14 of which are substantially recreational in nature, shall not  
15 be considered to be in connection with the duties of a  
16 Member, officer, or employee as an officeholder.

17       “(b) Each advance authorization to accept reimburse-  
18 ment shall be signed by the Member or officer under whose  
19 direct supervision the employee works and shall include—

20       “(1) the name of the employee;

21       “(2) the name of the person who will make the  
22 reimbursement;

23       “(3) the time, place, and purpose of the travel;  
24 and

1           “(4) a determination that the travel is in con-  
2           nection with the duties of the employee as an office-  
3           holder and would not create the appearance that the  
4           employee is using public office for private gain.

5           “(c) Each disclosure made under subparagraph  
6           (a)(1) of expenses reimbursed or to be reimbursed shall  
7           be signed by the Member or officer (in the case of travel  
8           by that Member or officer) or by the Member or officer  
9           under whose direct supervision the employee works (in the  
10          case of travel by an employee) and shall include—

11           “(1) a good faith estimate of total transpor-  
12          tation expenses reimbursed or to be reimbursed;

13           “(2) a good faith estimate of total lodging ex-  
14          penses reimbursed or to be reimbursed;

15           “(3) a good faith estimate of total meal ex-  
16          penses reimbursed or to be reimbursed;

17           “(4) a good faith estimate of the total of other  
18          expenses reimbursed or to be reimbursed;

19           “(5) a determination that all such expenses are  
20          necessary transportation, lodging, and related ex-  
21          penses as defined in this paragraph; and

22           “(6) in the case of a reimbursement to a Mem-  
23          ber or officer, a determination that the travel was in  
24          connection with the duties of the Member or officer  
25          as an officeholder and would not create the appear-

1       ance that the Member or officer is using public of-  
2       fice for private gain.

3       “(d) For the purposes of this paragraph, the term  
4       ‘necessary transportation, lodging, and related ex-  
5       penses’—

6               “(1) includes reasonable expenses that are nec-  
7       essary for travel for a period not exceeding 3 days  
8       exclusive of traveltime within the United States or 7  
9       days exclusive of traveltime outside of the United  
10      States unless approved in advance by the Select  
11      Committee on Ethics;

12             “(2) is limited to reasonable expenditures for  
13      transportation, lodging, conference fees and mate-  
14      rials, and food and refreshments, including reim-  
15      bursement for necessary transportation, whether or  
16      not such transportation occurs within the periods de-  
17      scribed in clause (1);

18             “(3) does not include expenditures for rec-  
19      reational activities, or entertainment other than that  
20      provided to all attendees as an integral part of the  
21      event; and

22             “(4) may include travel expenses incurred on  
23      behalf of either the spouse or a child of the Member,  
24      officer, or employee, subject to a determination  
25      signed by the Member or officer (or in the case of

1 an employee, the Member or officer under whose di-  
2 rect supervision the employee works) that the at-  
3 tendance of the spouse or child is appropriate to as-  
4 sist in the representation of the Senate.

5 “(e) The Secretary of the Senate shall make available  
6 to the public all advance authorizations and disclosures  
7 of reimbursement filed pursuant to subparagraph (a) as  
8 soon as possible after they are received.”.

9 **SEC. 202. AMENDMENTS TO HOUSE RULES.**

10 Clause 4 of rule XLIII of the Rules of the House  
11 of Representatives is amended to read as follows:

12 “4. (a) No Member, officer, or employee of the House  
13 of Representatives shall accept a gift, knowing that such  
14 gift is provided directly or indirectly by a registered lobby-  
15 ist, a lobbying firm, or an agent of a foreign principal in  
16 violation of the Lobbying Disclosure Act of 1995.

17 “(b) In addition to the restriction on receiving gifts  
18 from registered lobbyists, lobbying firms, and agents of  
19 foreign principals provided by paragraph (a) and except  
20 as provided in this Rule, no Member, officer, or employee  
21 of the House of Representatives shall knowingly accept a  
22 gift from any other person.

23 “(c)(1) For the purpose of this clause, the term ‘gift’  
24 means any gratuity, favor, discount, entertainment, hospi-  
25 tality, loan, forbearance, or other item having monetary

1 value. The term includes gifts of services, training, trans-  
2 portation, lodging, and meals, whether provided in kind,  
3 by purchase of a ticket, payment in advance, or reimburse-  
4 ment after the expense has been incurred.

5 “(2) A gift to the spouse or dependent of a Member,  
6 officer, or employee (or a gift to any other individual based  
7 on that individual’s relationship with the Member, officer,  
8 or employee) shall be considered a gift to the Member,  
9 officer, or employee if it is given with the knowledge and  
10 acquiescence of the Member, officer, or employee and the  
11 Member, officer, or employee has reason to believe the gift  
12 was given because of the official position of the Member,  
13 officer, or employee.

14 “(d) The restrictions in paragraph (b) shall not apply  
15 to the following:

16 “(1) Anything for which the Member, officer, or  
17 employee pays the market value, or does not use and  
18 promptly returns to the donor.

19 “(2) A contribution, as defined in the Federal  
20 Election Campaign Act of 1971 (2 U.S.C. 431 et  
21 seq.) that is lawfully made under that Act, or at-  
22 tendance at a fundraising event sponsored by a po-  
23 litical organization described in section 527(e) of the  
24 Internal Revenue Code of 1986.

1           “(3) Anything provided by an individual on the  
2           basis of a personal or family relationship unless the  
3           Member, officer, or employee has reason to believe  
4           that, under the circumstances, the gift was provided  
5           because of the official position of the Member, offi-  
6           cer, or employee and not because of the personal or  
7           family relationship. The Committee on Standards of  
8           Official Conduct shall provide guidance on the appli-  
9           cability of this clause and examples of circumstances  
10          under which a gift may be accepted under this  
11          exception.

12          “(4) A contribution or other payment to a legal  
13          expense fund established for the benefit of a Mem-  
14          ber, officer, or employee, that is otherwise lawfully  
15          made, if the person making the contribution or pay-  
16          ment is identified for the Committee on Standards  
17          of Official Conduct.

18          “(5) Any food or refreshments which the recipi-  
19          ent reasonably believes to have a value of less than  
20          \$20.

21          “(6) Any gift from another Member, officer, or  
22          employee of the Senate or the House of Representa-  
23          tives.

24          “(7) Food, refreshments, lodging, and other  
25          benefits—



1           “(A) resulting from the outside business or  
2           employment activities (or other outside activi-  
3           ties that are not connected to the duties of the  
4           Member, officer, or employee as an officeholder)  
5           of the Member, officer, or employee, or the  
6           spouse of the Member, officer, or employee, if  
7           such benefits have not been offered or enhanced  
8           because of the official position of the Member,  
9           officer, or employee and are customarily pro-  
10          vided to others in similar circumstances;

11          “(B) customarily provided by a prospective  
12          employer in connection with bona fide employ-  
13          ment discussions; or

14          “(C) provided by a political organization  
15          described in section 527(e) of the Internal Rev-  
16          enue Code of 1986 in connection with a fund-  
17          raising or campaign event sponsored by such an  
18          organization.

19          “(8) Pension and other benefits resulting from  
20          continued participation in an employee welfare and  
21          benefits plan maintained by a former employer.

22          “(9) Informational materials that are sent to  
23          the office of the Member, officer, or employee in the  
24          form of books, articles, periodicals, other written

1 materials, audio tapes, videotapes, or other forms of  
2 communication.

3 “(10) Awards or prizes which are given to com-  
4 petitors in contests or events open to the public, in-  
5 cluding random drawings.

6 “(11) Honorary degrees (and associated travel,  
7 food, refreshments, and entertainment) and other  
8 bona fide, nonmonetary awards presented in recogni-  
9 tion of public service (and associated food, refresh-  
10 ments, and entertainment provided in the presen-  
11 tation of such degrees and awards).

12 “(12) Donations of products from the State  
13 that the Member represents that are intended pri-  
14 marily for promotional purposes, such as display or  
15 free distribution, and are of minimal value to any in-  
16 dividual recipient.

17 “(13) Food, refreshments, and entertainment  
18 provided to a Member or an employee of a Member  
19 in the Member’s home State, subject to reasonable  
20 limitations, to be established by the Committee on  
21 Standards of Official Conduct.

22 “(14) An item of little intrinsic value such as  
23 a greeting card, baseball cap, or a T shirt.

24 “(15) Training (including food and refresh-  
25 ments furnished to all attendees as an integral part

1 of the training) provided to a Member, officer, or  
2 employee, if such training is in the interest of the  
3 House of Representatives.

4 “(16) Bequests, inheritances, and other trans-  
5 fers at death.

6 “(17) Any item, the receipt of which is author-  
7 ized by the Foreign Gifts and Decorations Act, the  
8 Mutual Educational and Cultural Exchange Act, or  
9 any other statute.

10 “(18) Anything which is paid for by the Federal  
11 Government, by a State or local government, or se-  
12 cured by the Government under a Government con-  
13 tract.

14 “(19) A gift of personal hospitality of an indi-  
15 vidual, as defined in section 109(14) of the Ethics  
16 in Government Act.

17 “(20) Free attendance at a widely attended  
18 event permitted pursuant to paragraph (e).

19 “(21) Opportunities and benefits which are—

20 “(A) available to the public or to a class  
21 consisting of all Federal employees, whether or  
22 not restricted on the basis of geographic consid-  
23 eration;

1           “(B) offered to members of a group or  
2           class in which membership is unrelated to con-  
3           gressional employment;

4           “(C) offered to members of an organiza-  
5           tion, such as an employees’ association or con-  
6           gressional credit union, in which membership is  
7           related to congressional employment and similar  
8           opportunities are available to large segments of  
9           the public through organizations of similar size;

10          “(D) offered to any group or class that is  
11          not defined in a manner that specifically dis-  
12          criminate among Government employees on the  
13          basis of branch of Government or type of re-  
14          sponsibility, or on a basis that favors those of  
15          higher rank or rate of pay;

16          “(E) in the form of loans from banks and  
17          other financial institutions on terms generally  
18          available to the public; or

19          “(F) in the form of reduced membership or  
20          other fees for participation in organization ac-  
21          tivities offered to all Government employees by  
22          professional organizations if the only restric-  
23          tions on membership relate to professional  
24          qualifications.

1           “(22) A plaque, trophy, or other memento of  
2       modest value.

3           “(23) Anything for which, in exceptional cir-  
4       cumstances, a waiver is granted by the Committee  
5       on Standards of Official Conduct.

6       “(e)(1) Except as prohibited by paragraph (a), a  
7       Member, officer, or employee may accept an offer of free  
8       attendance at a widely attended convention, conference,  
9       symposium, forum, panel discussion, dinner, viewing, re-  
10      ception, or similar event, provided by the sponsor of the  
11      event, if—

12           “(A) the Member, officer, or employee partici-  
13      pates in the event as a speaker or a panel partici-  
14      pant, by presenting information related to Congress  
15      or matters before Congress, or by performing a cere-  
16      monial function appropriate to the Member’s, offi-  
17      cer’s, or employee’s official position; or

18           “(B) attendance at the event is appropriate to  
19      the performance of the official duties or representa-  
20      tive function of the Member, officer, or employee.

21       “(2) A Member, officer, or employee who attends an  
22      event described in subparagraph (1) may accept a spon-  
23      sor’s unsolicited offer of free attendance at the event for  
24      an accompanying individual if others in attendance will  
25      generally be similarly accompanied or if such attendance

1 is appropriate to assist in the representation of the House  
2 of Representatives.

3 “(3) Except as prohibited by paragraph (a), a Mem-  
4 ber, officer, or employee, or the spouse or dependent there-  
5 of, may accept a sponsor’s unsolicited offer of free attend-  
6 ance at a charity event, except that reimbursement for  
7 transportation and lodging may not be accepted in connec-  
8 tion with the event.

9 “(4) For purposes of this paragraph, the term ‘free  
10 attendance’ may include waiver of all or part of a con-  
11 ference or other fee, the provision of local transportation,  
12 or the provision of food, refreshments, entertainment, and  
13 instructional materials furnished to all attendees as an in-  
14 tegral part of the event. The term does not include enter-  
15 tainment collateral to the event, or food or refreshments  
16 taken other than in a group setting with all or substan-  
17 tially all other attendees.

18 “(f) No Member, officer, or employee may accept a  
19 gift the value of which exceeds \$250 on the basis of the  
20 personal relationship exception in paragraph (d)(3) or the  
21 close personal friendship exception in section 106(d) of the  
22 Lobbying Disclosure Act of 1995 unless the Committee  
23 on Standards of Official Conduct issues a written deter-  
24 mination that one of such exceptions applies.

1       “(g)(1) The Committee on Standards of Official Con-  
2 duct is authorized to adjust the dollar amount referred  
3 to in paragraph (c)(5) on a periodic basis, to the extent  
4 necessary to adjust for inflation.

5       “(2) The Committee on Standards of Official Con-  
6 duct shall provide guidance setting forth reasonable steps  
7 that may be taken by Members, officers, and employees,  
8 with a minimum of paperwork and time, to prevent the  
9 acceptance of prohibited gifts from lobbyists.

10       “(3) When it is not practicable to return a tangible  
11 item because it is perishable, the item may, at the discre-  
12 tion of the recipient, be given to an appropriate charity  
13 or destroyed.

14       “(h)(1)(A) Except as prohibited by paragraph (a), a  
15 reimbursement (including payment in kind) to a Member,  
16 officer, or employee for necessary transportation, lodging  
17 and related expenses for travel to a meeting, speaking en-  
18 gagement, factfinding trip or similar event in connection  
19 with the duties of the Member, officer, or employee as an  
20 officeholder shall be deemed to be a reimbursement to the  
21 House of Representatives and not a gift prohibited by this  
22 paragraph, if the Member, officer, or employee—

23               “(i) in the case of an employee, receives ad-  
24 vance authorization, from the Member or officer

1 under whose direct supervision the employee works,  
2 to accept reimbursement, and

3 “(ii) discloses the expenses reimbursed or to be  
4 reimbursed and the authorization to the Clerk of the  
5 House of Representatives within 30 days after the  
6 travel is completed.

7 “(B) For purposes of clause (A), events, the activities  
8 of which are substantially recreational in nature, shall not  
9 be considered to be in connection with the duties of a  
10 Member, officer, or employee as an officeholder.

11 “(2) Each advance authorization to accept reimburse-  
12 ment shall be signed by the Member or officer under whose  
13 direct supervision the employee works and shall include—

14 “(A) the name of the employee;

15 “(B) the name of the person who will make the  
16 reimbursement;

17 “(C) the time, place, and purpose of the travel;  
18 and

19 “(D) a determination that the travel is in con-  
20 nection with the duties of the employee as an office-  
21 holder and would not create the appearance that the  
22 employee is using public office for private gain.

23 “(3) Each disclosure made under subparagraph  
24 (1)(A) of expenses reimbursed or to be reimbursed shall  
25 be signed by the Member or officer (in the case of travel



1 by that Member or officer) or by the Member or officer  
2 under whose direct supervision the employee works (in the  
3 case of travel by an employee) and shall include—

4 “(A) a good faith estimate of total transpor-  
5 tation expenses reimbursed or to be reimbursed;

6 “(B) a good faith estimate of total lodging ex-  
7 penses reimbursed or to be reimbursed;

8 “(C) a good faith estimate of total meal ex-  
9 penses reimbursed or to be reimbursed;

10 “(D) a good faith estimate of the total of other  
11 expenses reimbursed or to be reimbursed;

12 “(E) a determination that all such expenses are  
13 necessary transportation, lodging, and related ex-  
14 penses as defined in this paragraph; and

15 “(F) in the case of a reimbursement to a Mem-  
16 ber or officer, a determination that the travel was in  
17 connection with the duties of the Member or officer  
18 as an officeholder and would not create the appear-  
19 ance that the Member or officer is using public of-  
20 fice for private gain.

21 “(4) For the purposes of this paragraph, the term  
22 ‘necessary transportation, lodging, and related ex-  
23 penses’—

24 “(A) includes reasonable expenses that are  
25 necessary for travel—

1           “(i) for a period not exceeding 4 days  
2           including travel time within the United  
3           States or 7 days in addition to travel time  
4           outside the United States; and

5           “(ii) within 24 hours before or after  
6           participation in an event in the United  
7           States or within 48 hours before or after  
8           participation in an event outside the  
9           United States,

10          unless approved in advance by the Committee  
11          on Standards of Official Conduct;

12          “(B) is limited to reasonable expenditures for  
13          transportation, lodging, conference fees and mate-  
14          rials, and food and refreshments, including reim-  
15          bursement for necessary transportation, whether or  
16          not such transportation occurs within the periods de-  
17          scribed in clause (A);

18          “(C) does not include expenditures for rec-  
19          reational activities or entertainment other than that  
20          provided to all attendees as an integral part of the  
21          event; and

22          “(D) may include travel expenses incurred on  
23          behalf of either the spouse or a child of the Member,  
24          officer, or employee, subject to a determination  
25          signed by the Member or officer (or in the case of

1 an employee, the Member or officer under whose di-  
2 rect supervision the officer or employee works) that  
3 the attendance of the spouse or child is appropriate  
4 to assist in the representation of the House of  
5 Representatives.

6 “(5) The Clerk of the House of Representatives shall  
7 make available to the public all advance authorizations  
8 and disclosures of reimbursement filed pursuant to sub-  
9 paragraph (1) as soon as possible after they are received.”.

10 **SEC. 203. MISCELLANEOUS PROVISIONS.**

11 (a) AMENDMENTS TO THE ETHICS IN GOVERNMENT  
12 ACT.—Section 102(a)(2)(B) of the Ethics in Government  
13 Act (5 U.S.C. 102, App. 6) is amended by adding at the  
14 end thereof the following: “Reimbursements accepted by  
15 a Federal agency pursuant to section 1353 of title 31,  
16 United States Code, or deemed accepted by the Senate or  
17 the House of Representatives pursuant to Rule XXXV of  
18 the Standing Rules of the Senate or clause 4 of Rule  
19 XLIII of the Rules of the House of Representatives shall  
20 be reported as required by such statute or rule and need  
21 not be reported under this section.”.

22 (b) REPEAL OF OBSOLETE PROVISION.—Section 901  
23 of the Ethics Reform Act of 1989 (2 U.S.C. 31–2) is  
24 repealed.

25 (c) SENATE PROVISIONS.—

1           (1) AUTHORITY OF THE COMMITTEE ON RULES  
2           AND ADMINISTRATION.—The Senate Committee on  
3           Rules and Administration, on behalf of the Senate,  
4           may accept gifts provided they do not involve any  
5           duty, burden, or condition, or are not made depend-  
6           ent upon some future performance by the United  
7           States. The Committee on Rules and Administration  
8           is authorized to promulgate regulations to carry out  
9           this section.

10          (2) FOOD, REFRESHMENTS, AND ENTERTAIN-  
11          MENT.—The rules on acceptance of food, refresh-  
12          ments, and entertainment provided to a Member of  
13          the Senate or an employee of such a Member in the  
14          Member's home State before the adoption of reason-  
15          able limitations by the Committee on Rules and Ad-  
16          ministration shall be the rules in effect on the day  
17          before the effective date of this title.

18          (d) HOUSE PROVISION.—The rules on acceptance of  
19          food, refreshments, and entertainment provided to a Mem-  
20          ber of the House of Representatives or an employee of  
21          such a Member in the Member's home State before the  
22          adoption of reasonable limitations by the Committee on  
23          Standards of Official Conduct shall be the rules in effect  
24          on the day before the effective date of this title.

1 **SEC. 204. EXERCISE OF CONGRESSIONAL RULEMAKING**  
 2 **POWERS.**

3 Sections 201, 202, 203(c), and 203(d) of this title  
 4 are enacted by Congress—

5 (1) as an exercise of the rulemaking power of  
 6 the Senate and the House of Representatives, re-  
 7 spectively, and pursuant to section 7353(b)(1) of  
 8 title 5, United States Code, and accordingly, they  
 9 shall be considered as part of the rules of each  
 10 House, respectively, or of the House to which they  
 11 specifically apply, and such rules shall supersede  
 12 other rules only to the extent that they are inconsis-  
 13 tent therewith; and

14 (2) with full recognition of the constitutional  
 15 right of either House to change such rules (insofar  
 16 as they relate to that House) at any time and in the  
 17 same manner and to the same extent as in the case  
 18 of any other rule of that House.

19 **SEC. 205. EFFECTIVE DATE.**

20 This title and the amendments made by this title  
 21 shall take effect on May 31, 1995.

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HR 119 IH—2

HR 119 IH—3

HR 119 IH—4

HR 119 IH—5

HR 119 IH—6

HR 119 IH—7